

RECEIVED
IN THE UNITED STATES DISTRICT COURT
FEDERAL BUREAU OF INVESTIGATION
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CARL EMMETT WYATT
petitioner

V.s

CIVIL ACTION NO.
205-CV-781-F

GWENDOLYN MOSLEY, WARDEN, et al.,
Respondants

Comes now the petitioner in response to
Respondants supplemental answer to Court
Order Dated 14 October 2005. The petitioner had
no knowledge of the violation of Presumption of
innocence by being tried by Jury Dressed in
Jail house/prison bright orange clothing with
AUTAUGA County Jail printed/stenciled on front
and back of shirt and pants, until I arrived at
Easterling Correctional Facility and began to
Research Case laws to file my Rule 32.
I then more my first Court appointed attorney
Robert Bowers Jr. allowed me to appear before
a Trial Jury in bright orange and my
second Appeals Attorney Gary A.C. BACKUS

Failed to argue the violation when he appealed my case to the Court of Criminal Appeals and the Supreme Court. IN EXHIBIT-1A my official trial transcript page-10, lines 9-18 - and page 70 lines 13-20. The D.A. clearly identified Mr. Wyatt as the man in orange. The prison/jail clothing could have and most likely did effect the Jurors Judgment. My appeals Attorney Gary McBacks should have realized the presumption of innocence violation when he read my transcript to prepare my appeal brief and argument. The issue is did Counsel for Carl E. Wyatt perform his duties as providing adequate legal assistance to the accused. The petitioner raised this issue in his Rule 32 EXHIBIT 2-A Brief and argument Page -1-A-1. Reads as follows. On Tuesday May 9th 2000 at 9:25 Am the Circuit Court of Autauga County, Alabama, before Hon. JOHN B. BUSH, instructed the Jury that Mr. Wyatt comes into Court clothed in the presumption of innocence. However, Carl E. Wyatt was clothed in a Autauga County Jail orange uniform with the words stenciled/printed on front and back of the uniform. Specifically,

Wherefore The petitioner prays this Court will vacate this conviction or sentence or in the alternate, appoint Counsel hold a evidential Hearing

Certificate of service

I Carl Emmett Wyatt certify that I have on 2nd day of NOVEMBER 2005 served a copy of this Brief and argument upon the following offices.

1. Troy King Attorney General's office State of Alabama 11 South Union street, Montgomery Alabama. 36130 - 0152 and the office of.

2. Office of the CLERK. United States District Court P.O. Box-711 Montgomery, Alabama 36101-0711 By placing in the United States postal mail box at Easterling Correctional Facility postage prepaid.

Respectfully Submitted.

Carl E. Wyatt

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